

Amendments To The Drawings:

The attached Replacement Sheet and New Sheet of drawings include changes to FIGs. 5, 6, and 7. The Replacement Sheet (with FIGs. 5 and 6) and New Sheet (with FIG. 7) replace the original sheet 2/2 (with FIGs. 5, 6, and 7).

In FIG. 5, the term “prior art” was added.

In FIG. 6, the term “prior art” was added.

In FIG. 7, the box designations were amended to include their labels with the reference number.

Attachment: Replacement Sheet and New Sheet

Remarks

This Amendment is in response to the Office Action dated **October 17, 2006**.

In the Office Action, the Office objected to the Title, alleging that it was not descriptive; and the Office objected to the Abstract; and the Office objected to the drawings.

Additionally, the Office rejected claims 1 – 4 under 35 U.S.C. § 112, second paragraph, alleging the same to be indefinite; and the Office rejected claims 1 – 4 under 35 U.S.C. § 103(a), alleging the same to be unpatentable over U.S. Patent No. 5,791,440 to Lonzinski et al (“Lonzinski”) and U.S. Patent No. 6,845,745 to Retzlaff (“Retzlaff”).

Applicants have amended the specification, the claims, and the drawings, as presented above. New claims 5 – 8 have been presented; no new matter has been added.

The following comments are presented in the same order and with paragraph numbers corresponding to the objections/rejections in the Office Action.

OBJECTIONS

1. The Office objected to the Title, alleging that the original title is not descriptive. Applicants have amended the Title, as presented above. Applicants believe that the amended Title overcomes the objection, and as such, request that the objection be withdrawn. Should the Office deem the amended title unacceptable, Applicants would greatly appreciate an example of an acceptable substitute title.

2. The Office objected to the Abstract, specifically the term “means”. Applicants have amended the Abstract, as presented above. Applicants believe that the amended Abstract overcomes the objection, and as such, request that the objection be withdrawn.

3. The Office objected to the Drawings. The Office requested that FIGs. 5 and 6 be labeled as “Prior Art”. Applicants have amended the FIGs. 5 and 6, as presented in the Replacement Sheet, to reflect this. Therefore, Applicants believe the objection has been overcome and request withdrawal of the objection.

4. The Office also objected to FIG. 7 for failing to include labels for each element represented by a rectangular box. Applicants have amended FIG. 7 to include both the reference number and label for each rectangular box depicted. Therefore, Applicants request withdrawal of the objection.

REJECTIONS

6. The Office rejected claims 1 – 4 under 35 U.S.C. § 112, second paragraph, alleging the same as being indefinite for several reasons.

First, the Office rejected claims 1 and 2 based on the phrase “in case of need”. In amended claims 1 and 2, Applicants have deleted the phrase “in case of need.” As such, Applicants believe the rejection is overcome and request removal of the rejection.

Second, the Office rejected claims 1 and 2 based on the phrase “acceleration/deceleration and/or speed”, as being alternative. Although Applicants believe that the phrasing is correct, in an effort to advance prosecution, Applicants have amended claims 1 and 2 to recite the following Markush group: “the characteristic selected from the group consisting of maximum change in speed, maximum speed, or a combination thereof.” The phrase “change in speed” is supported by the previous terms acceleration and deceleration. As

such, Applicants believe the rejection is overcome and request withdrawal of the rejection.

Lastly, the Office rejected claims 3 and 4 as being unclear as to the “interlinking function”. Applicants have amended claims 3 and 4, as presented above. Applicants believe that amended claims 3 and 4 overcome the rejections and request their withdrawal.

8. The Office rejected claims 1 – 4 under 35 U.S.C. § 103(a), alleging the same as being unpatentable over U.S. Patent No. 5,791,440 to Lonzinski and Retzlaff. Applicants respectfully disagree.

In the Office Action, the Office admitted that Lonzinski does not teach or suggest a fork-lift truck with multiple drives for regulating the lateral position, the inclination, and/or the angular position of the load-carrying means relative to the lift mast, as set forth in instant claims 1 and 2.

The Office alleges that Retzlaff teaches a lifting frame and holding device in which the speed of the frame is controlled based on the height of the frame or the weight of the load. However, like Lonzinski, there is no teaching or suggestion in Retzlaff to provide a fork-lift truck with multiple drives, as in instant claims 1 and 2.

Thus, even assuming arguendo there is some teaching, suggestion, or motivation for combining Lonzinski with Retzlaff (which the Office has not provided), the addition of any alleged teachings of Retzlaff to the device in Lonzinski still fails to produce the device as claimed in instant claims 1 and 2. That is, because neither Lonzinski nor Retzlaff have multiple drives, the purported combination would not have multiple drives.

Furthermore, in Retzlaff, the maximum speed or the maximum acceleration/deceleration **of the lifting frame** is based on the height of the load holding means or

the weight of the load. This is in contrast to the teachings of the instant application. Applicants teach that the upper limit of the speed of the drives is determined by the height of the load-carrying means (claim 1) or the weight of the load (claim 2). As such, there is no interdependence between the load height or load weight and the maximum speed or maximum acceleration/deceleration of the lifting frame in the instant case. Applicants request withdrawal of the rejections to claims 1 and 2.

Conclusion

In light of the above, Applicants submit that the present application, with pending claims 1 – 4, is in condition for allowance. Favorable consideration and prompt action to that effect are earnestly solicited.

Should the Examiner believe that anything further would be desirable to put the application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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